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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, ) CASE NO. CR08-320-MJP  
09 Plaintiff, )  
10 v. ) SUMMARY REPORT OF U.S.  
11 LYON NICHOLAS TORN, ) MAGISTRATE JUDGE AS TO  
12 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An initial hearing on supervised release revocation in this case was scheduled before me  
15 on February 25, 2010. The United States was represented by AUSA Norman Barbosa and the  
16 defendant by Terry Kellogg. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about June 17, 2009 by the Honorable Marsha J.  
18 Pechman on a charge of Conspiracy to Commit Bank Fraud, and sentenced to 6 months custody,  
19 4 years supervised release. (Dkt. 36)

20 The conditions of supervised release included the standard conditions plus the  
21 requirements that defendant participate in a substance abuse program with testing, abstain from  
22 alcohol, submit to search, participate in a mental health program, pay restitution in the amount

01 of \$27,239.37, provide his probation officer with financial information as requested, be  
02 prohibited from incurring new lines of credit or credit obligations, and serve up to 120 days in  
03 a community custody/halfway house prior to entry into inpatient drug treatment, if recommended.

04 On November 19, 2009, defendant's probation officer reported that defendant tested  
05 positive for marijuana. His relapse was addressed in his substance abuse treatment. He was  
06 reprimanded and no further action was taken at the time. (Dkt. 38.)

07 In an application dated February 10, 2010 (Dkt. 40 ), U.S. Probation Officer Monique D.  
08 Neal alleged the following violations of the conditions of supervised release:

09 1. Using marijuana on or before November 2, 2009, and January 15, 2010, in  
10 violation of standard condition No. 7.

11 2. Using cocaine on or before December 29, 2009, in violation of standard condition  
12 No. 7.

13 3. Associating with Randall Goins, a convicted felon, on or before December 29,  
14 2009, without permission, in violation of standard condition No. 9.

15 4. Failing to report for drug testing as instructed by his U.S. Probation Officer on  
16 January 14, and February 4, 2010, in violation of the special condition that the defendant  
17 participate as instructed in a program approved by the probation office for treatment of narcotic  
18 addiction, drug dependency, or substance abuse which may include testing to determine if the  
19 defendant has reverted to the use of drugs.

20 5. Failing to participate as directed in a mental health program, to include Moral  
21 Reconation Therapy (MRT), approved by the United States Probation Office.

22 6. Failing to report to the probation officer as directed on February 8, 2010, in

violation of standard condition No. 2.

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred.

I therefore recommend the Court find defendant violated his supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Pechman.

Pending a final determination by the Court, defendant has been detained.

DATED this 25th day of February, 2010.



Mary Alice Theiler  
United States Magistrate Judge

cc:	District Judge:	Honorable Marsha J. Pechman
	AUSA:	Norman Barbosa
	Defendant's attorney:	Terry Kellogg
	Probation officer:	Monique D. Neal